

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

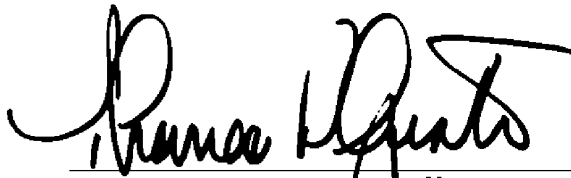
IN RE:

JOSEPH MARTIN THOMAS,	:	Case No. 20-10334-TPA
<i>Debtor.</i>	:	Chapter 11
	:	
JOSEPH MARTIN THOMAS,	:	
<i>Movant,</i>	:	Related to Doc. No. 119
	:	
v.	:	
	:	
RICK RUMBALL,	:	
<i>Respondent</i>	:	

ORDER

A continued hearing was held this date on the *Motion to Reject Executory Contract* (“Motion”) (Doc. 119) which was previously granted by Order issued on July 31, 2020 (Doc. 161) but continued to decide the remaining issue of rejection damages. At the last hearing, Counsel for the Debtor had informed the Court that the two paintings Mr. Rumball had repossessed from the Debtor have a combined appraised value of \$31,000. At the time the two paintings were repossessed by Mr. Rumball, the contract had \$21,500 left unpaid by the Debtor. At today’s hearing, Counsel for the Debtor informed the Court that the painting in the possession of the Debtor has been appraised at \$35,000. The Debtor had previously paid \$29,500 in installments for all three paintings. For purposes of the *Motion*, since the value of the painting in the Debtor’s possession is more than he paid on the contract, the Court will deem the issue of damages pursuant to this *Motion*, moot. However, the Court will leave it up to the Debtor and relevant Parties whether to pursue any additional claims against Mr. Rumball. Therefore,

AND NOW, this 24th day of *September, 2020*, for the reasons stated at today's hearing on the *Motion to Reject Executory Contract* (Doc. 119), it is hereby **ORDERED**, **ADJUDGED** and **DECREED** that the issue of damages is *moot* without prejudice to the Debtor or any Party in Interest pursuing additional claims against Mr. Rumball for his repossession of the paintings.



Thomas P. Agresti, Judge **ljm**
United States Bankruptcy Court

Case administrator to serve:
Michael Kruszewski, Esq.
Gary Eiben, Esq.
Guy Fustine, Esq.
Gary Skiba, Esq.
Debtor

In re:
Joseph Martin Thomas
Debtor

Case No. 20-10334-TPA
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0315-1

User: culy
Form ID: pdf900

Page 1 of 1
Total Noticed: 2

Date Rcvd: Sep 25, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 27, 2020.

db +Joseph Martin Thomas, c/of Tri-State Pain Institute, 2374 Village Common Drive,
Erie, PA 16506-7201
sp +Gary Eiben, MacDonald Illig Jones & Britton, LLP, 100 State St., Ste. 700,
Erie, PA 16507-1459

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 27, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 25, 2020 at the address(es) listed below:

Brian Nicholas on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bnicholas@kmlawgroup.com
Crystal H. Thornton-Illar on behalf of Creditor The Kada Gallery
cThornton-Illar@leechtishman.com,
bankruptcy@leechtishman.com;mproden@leechtishman.com;thornton-illarc81012@notify.bestcase.com
Gary V. Skiba on behalf of Interested Party Tri-State Pain Institute, LLC gskiba@marshlaw.com,
DGeniesse@marshlaw.com;rose227@hotmail.com
Guy C. Fustine on behalf of Creditor Official Committee of Unsecured Creditors for Tri-State
Pain Institute, LLC mwernick@kmgslaw.com, knoxbank@hotmail.com,burban@kmgslaw.com,
mpol@kmgslaw.com;ecf.alert+Fustine@titlexi.com
Lauren Michaels on behalf of Creditor Office of Attorney General, Department of Revenue
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Mark G. Claypool on behalf of Creditor Ally Bank serviced by Ally Servicing LLC
mclaypool@kmgslaw.com, knoxbank@hotmail.com;chartle@kmgslaw.com;aklus@kmgslaw.com
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Norma Hildenbrand, on Behalf of the United States Trustee by on behalf of U.S. Trustee
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Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Salene R.M. Kraemer on behalf of Creditor WELLS FARGO BANK, N.A. skraemer@bernsteinlaw.com,
salene@ecf.courtdrive.com

TOTAL: 11